



Republika ng Pilipinas

Lungsod ng Caloocan



TANGGAPAN NG SANGGUNIANG PANLUNGSOD

ORDINANCE NO. 0859 S. 2020

(PROPOSED ORDINANCE NO. 11-078)

AN ORDINANCE PROHIBITING ANY ACT OF DISCRIMINATION AGAINST HEALTHWORKERS, FRONTLINERS, AND OTHER PERSONS ACTUALLY OR SUSPECTED TO BE INFECTED OF OR EXPOSED TO COVID-19 AND PROVIDING PENALTIES FOR VIOLATION THEREOF.

SPONSORED BY:

Hon. VINCENT RYAN "ENTENG" MALAPITAN and Hon. MA. MILAGROS "ROSE" S. MERCADO

CO-SPONSORED BY:

Hon. CARMELO F. AFRICA III, Hon. DEAN ASISTIO

Hon. CHRISTOPHER E. MALONZO, Hon. MARYLOU "ALOU" NUBLA, Hon. ANNA KARINA TEH-LIMSICO

Hon. EDGARDO N. ARUELO, Hon. LUIS. O. ASISTIO III, Hon. RICARDO J. BAGUS

Hon. ROBERTO R. SAMSON, Hon. ALEXANDER V. MANGASAR

Hon. ORVINCE HOWARD A. HERNANDEZ and Hon. JOSE LORENZO T. ALMEDA

WHEREAS, Section 16 of Republic Act No. 7160, otherwise known as the Local Government Code of 1991 provides that *"every local government unit shall exercise the powers expressly granted, those necessarily implied therefrom, as well as powers necessary, appropriate or incidental for its efficient and effective governance, and those which are essential to the promotion of the general welfare. x xx;"*

WHEREAS, since the COVID-19 outbreak, a number of countries have documented incidents which include physical attacks and beatings, violent bullying, threats, discrimination in school or in workplaces, and the use of derogatory language in news reports and on social media platforms, among others against persons suffering from COVID-19 infection or involved in the delivery of health care services to COVID-19 infected persons;

WHEREAS, locally, there have been numerous reports that COVID-19 patients, persons suspected to have infections or exposure to COVID-19, healthworkers, and other persons including, even Overseas Filipino Workers, are being discriminated against or maltreated solely by reason of their suspected infection or exposure to COVID-19, such as being denied free access to their residence and workplace, physical harassment, assault, infliction of physical injury, or denied access to basic services and goods;

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WHEREAS, in this connection, the national government's Inter-Agency Task Force -Emerging Infectious Diseases (IATF) has urged local government units to pass a measure that would penalize discrimination against persons infected or suspected to be infected and exposed to COVID-19, and those involved in the deliver of healthcare and other services to COVID-19 persons;

WHEREAS, the City's Sangguniang Panlungsod expressed its deep concern for the families affected by this pandemic who suffer severe anxiety and social humiliation;

WHEREAS, there is an urgent need to combat this pervasive stigmatization on the basis of one's medical condition.

NOW, THEREFORE, BE IT ORDAINED as it is hereby ordained by the City's Sangguniang Panlungsod, in session duly assembled, **THAT:**

SECTION 1. SHORT TITLE - This Ordinance shall be known as the *"Caloocan City COVID-19 Anti-Discrimination Ordinance."*

SECTION 2. DEFINITION OF TERMS -

- a. **Health Worker** - any person engaged in health or health-related work occupation, or any person employed, regardless of the nature of employment, in a private or government hospitals, infirmaries, health centers, local government health units, clinics and other health-related institutions.
- b. **Frontliner** - any person engaged in frontline work to prevent and control the spread of the COVID-19, delivery of basic public services, emergency services, border control, public order and security. This shall include, among others, officers and members of the PNP, AFP, PCG, barangay officials, including barangay tanod and composing the skeletal or essential workforce of any government agency or office, agencies and instrumentalities.
- c. **Other Frontliner** - any person working in private establishments actually involved in the production, delivery or sale of basic necessities and services. These shall include those authorized to work in public markets, supermarkets, groceries, convenience stores, hospitals, medical clinics, pharmacies and drug stores, food preparation and delivery services, water refilling stations, manufacturing and processing plants of basic food products and medicines, banks, money transfer services, power, energy, water and telecommunications supplies and other similar facilities.

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- d. **Person under Investigation** - a person identified or defined as such by the Department of Health or other competent government body.
 - e. **Persons under Monitoring** - a person identified or defined as such by the Department of Health or other competent government body.

SECTION 3. PROHIBITED ACTS –

- a. It shall be unlawful for any person to unfairly treat or discriminate against a COVID-19 patient, a Person Under Investigation (PUI), a Person under Monitoring (PUM), a Health Worker, a Frontliner, Other Frontliner, or their immediate family members, returning Overseas Filipino Workers, solely on the basis of or in account of his/her actual or suspected infection of, exposure to, recovery from, or involvement, in whatever capacity, in the surveillance, control and prevention of, the COVID-19 virus, or his involvement or participation in the delivery of goods and services to COVID-19 patients, PUMs or PUIs, Health Worker, Frontliner or Other Frontliner.

The prohibited acts shall include, but are not limited to:

- i. Premature termination or non-renewal of lease contract over residential units;
 - ii. Unduly restricting mobility or disallowing access to said person's residence or workplace, or passage to public streets, roads, public places, commercial areas, markets, hospitals and other health facilities.
 - iii. Unduly refusing or denying to provide or deliver basic goods and services, including medical attention and treatment, when needed, reasonably requested, demanded or procured; and,
 - iv. Illegal termination of employment or any contract of work;
- b. It shall be unlawful for any public officer or employee to refuse or fail to give timely, appropriate and necessary assistance and service, including medical attention and treatment in respect to public health workers and medical personnel, to any COVID-19 positive person, PUI, PUM, Health Worker, Frontliner, or Other Frontliner, or their immediate family, or any other persons actually or suspected to be exposed to COVID-19.

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- c. Except when so allowed by law or government regulation or where there is written waiver to right to data privacy, it shall be unlawful for any person to publish, print, announce, post, or spread, in any media, including social media, that a certain person is, or is suspected to be, a COVID-19 positive patient, PUI or PUM, or that a Health Worker, Frontliner, or Other Frontliner is involved in the surveillance, control and prevention of the COVID-19 virus, or in the delivery of goods and services to a COVID-19 patient, PUM or PUI.

SECTION 4. PENALTY –

- a. Any violation of Section 3 (a) [i] to [vi] and Section 3 (c) shall be penalized with a fine of THREE THOUSAND PESOS (Php 3,000.00) or imprisonment of SIX (6) MONTHS, or both, at the discretion of the Court.
- b. Any violation of Section 3 (b) shall be penalized with a fine of FIVE THOUSAND PESOS (Php 5,000.00) or imprisonment of SIX (6) MONTHS, or both, at the discretion of the Court. The offending public officer or employee shall also be held liable administratively pursuant to the Local Government Code of 1991 and Civil Service laws, rules and regulations, as the case may be.

SECTION 5. SEPARABILITY CLAUSE - If any section or provision of this Ordinance is declared unconstitutional or invalid by a competent court, the remaining sections or provisions not affected thereby shall remain to be in full force and effect.

SECTION 6. REPEALING CLAUSE - All ordinances, resolutions, rules or regulations which are inconsistent with or contrary to the provisions of this Ordinance are hereby repealed, amended or modified accordingly.

SECTION 7. EFFECTIVITY - This Ordinance shall take effect on the day following its required publication and/or posting as provided for under RA 7160.

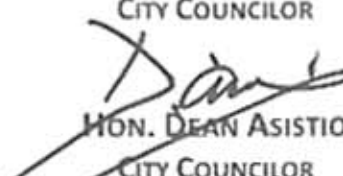


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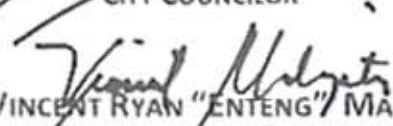
ENACTED BY THE SANGGUNIANG PANLUNGSOD, CITY OF CALOOCAN IN ITS REGULAR SESSION HELD ON THE 8TH DAY OF APRIL 2020.


HON. CARMELO F. AFRICA III
CITY COUNCILOR

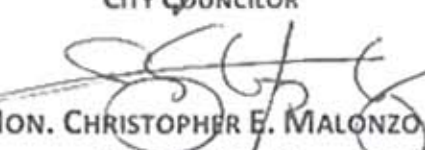

HON. EDGARDO N. ARUELO
CITY COUNCILOR

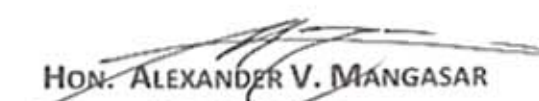

HON. DEAN ASISTIO
CITY COUNCILOR

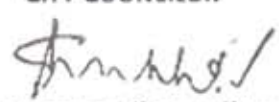

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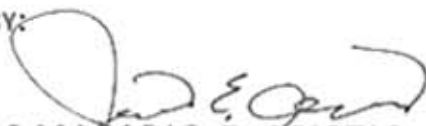

HON. ORVINCE HOWARD A. HERNANDEZ
CITY COUNCILOR

APPROVED BY HIS HONOR, THE CITY MAYOR ON APRIL 13, 2020.

APPROVED BY:

CERTIFIED BY:


HON. OSCAR G. MALAPITAN
City Mayor


HON. LUIS MACARIO E. ASISTIO
City Vice Mayor and Presiding Officer

ATTESTED BY:


LILIBETH M. LASKIAN
Secretary to the Mayor


LORENZO O. SUNGA, JR.
Secretary
Sangguniang Panlungsod